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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,856	06/15/2001	Robert Wilhelm Schumann	1999-23US	7222

7590

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EXAMINER

SONG, HOSUK

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,856

Applicant(s)

SCHUMANN ET AL.

Examiner

Hosuk Song

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/18/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1,6-8,14,18-22,26,28-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Newby et al(US 5,796,829).

Claim 1: Newby disclose a source for accessing content data and a conditional access module for receiving the content data from source and selectively processing the content data and selectively authorizing access to decoded processed content data in (fig.1 and col.6,lines 32-36). Newby disclose a receiver for receiving the processed content data from conditional access module and decoding the processed content data into decoded processed content data in (col.6,lines 36-41). Newby disclose an output device for receiving the decoded processed content data from receiver and outputting the decoded processed content data when authorized by conditional access module in (col.6,lines 54-59).

Claim 6: Newby disclose conditional access module further comprises a content decryptor to decrypt encrypted content data into processed content in (col.8,lines 9-15).

Claims 7-8: Newby disclose super encrypting the encrypted content data and conditional access module comprises a super decryption device for decrypting the super encrypted content data in (col.5,lines 47-54 and fig.1).

Claim 14: Newby disclose a video logic device for converting decoded processed content data into a content signal and a display device for converting content signal into a visual and/or audible form in (col.7,lines 25-32).

Claims 18,19: Newby disclose a source for accessing content data,including a transport packet generation device for transforming the content data into content data packets in (fig.1). Newby disclose a conditional access module for receiving the content data packets from source and selectively processing the content data packets in (col.6,lines 32-36). Newby disclose a receiver for receiving the processed content data packets from conditional access module and decoding the processed content data packets in (col.6,lines 36-41). Newby disclose an output device for outputting the decoded content data wherein communications between the source, the receiver and the conditional access module utilize at least one packet data protocol in (fig.1).

Claim 20: Newby disclose a certifying and registering with the backend at least one device of the group consisting of source,receiver,conditional access module and output device in (fig.1).

Claim 21: Newby disclose transport packet generating device and transporting content data to conditional access module and transforming the content data into content data packets using transport packet generating device in (fig.1).

Claim 22: Newby disclose a transport packet demultiplexer and transporting content data to conditional access module and unpacketing content data packets in (fig.3).

Claim 26: Newby disclose converting decoded processed content data into a content signal and converting content signal into a visual and/or audible form in (col.7,lines 22-32).

Claims 28: Newby disclose step of decrypting encrypted content data in (col.10,lines 23-28)

Claims 29-30: Newby disclose super encrypting the encrypted content data and conditional access module comprises a super decryption device for decrypting the super encrypted content data in (col.5,lines 47-54 and fig.1).

Claim 31: Newby disclose acquiring content data at source and transforming content data into packet data and transporting packet data from source to conditional access module and determining whether access to packet data is authorized in (fig.1). Selectively process packet data and transporting processed packet data to receiver in (col.6,lines 32-36). Newby disclose decoding processed packet data and outputting decoded content and wherein communications between the source, the receiver and the conditional access module utilize at least one packet data protocol in (fig.1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10,12-13,15-16,23-25,27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newby et al.(US 5,796,829) in view of Epstein et al.(US 6,530,021).

Claims 10,12,13,15: Newby does not specifically disclose conditional access module includes a CAM fingerprint logic device for adding a CAM watermark to content data. Epstein discloses this limitation in (col.6,lines 31-43). It would have been obvious to person of ordinary skill in the art at the time invention was made to add watermark to content as taught in Epstein with conditional access module disclosed in Newby in order to deter illegal copying or unauthorized modification of its content against hackers.

Claim 16: Newby does not specifically disclose time of access, a serial number of content data, source id value, receiver id value or CAM id value. Examiner takes official notice that watermark including these information is well known in the art. One of ordinary skill in the art would have been motivated to include the values in order to secure its content and making sure that intended receiver is only authorized to access the content. Adding this information adds another layer of security against hackers trying to defeat the system.

Claims 23-25, 27: Newby does not specifically disclose conditional access module includes a CAM fingerprint logic device for adding a CAM watermark to content data. Epstein discloses this limitation in (col.6, lines 31-43). It would have been obvious to person of ordinary skill in the art at the time invention was made to add watermark to content as taught in Epstein with conditional access module disclosed in Newby in order to deter illegal copying or unauthorized modification of its content against hackers.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newby et al. (US 5,796,829) in view of Campinos et al. (US 6,266,415).

Claim 9: Newby does not specifically disclose CAM is renewable. Campinos discloses renewable security module in (col.1, lines 8-20). It would have been obvious to person of ordinary skill in the art at the time invention was made to employ renewable security module (NRSS) as disclosed in Campinos with CAM system of Newby because it allows for easy changing of the encryption technique due to NRSS standard thus enhancing greater security of its system.

4. Claims 2-5, 11, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newby et al. (US 5,796,829).

Claims 2-3: Newby does not specifically disclose DVD optical disc reader. Examiner takes official notice that DVD optical reader is well known in the art. One of ordinary skill in the

art would have been motivated to employ DVD optical reader for portability and DVD format provides huge amount of data storage capacity than CD format.

Claims 4,5: Newby does not specifically disclose a source modem for communicating with receiver and backend and a modem switch for switching between any two devices within the group consisting of receiver,modem,backend. Examiner takes Official notice is taken that a source modem for communicating with receiver and backend and a modem switch for switching between any two devices within the group consisting of receiver,modem,backend is well known in the art. One of ordinary skill in the art would have been motivated to employ source modem in order to conduct data transfers and achieve communication between two devices.

Claim 17: Newby disclose a certifying and registering with the backend at least one device of the group consisting of source,receiver,conditional access module and output device in (fig.1).

Claim 11: Newby does not specifically disclose time of access,a serial number of content data,source id value,receiver id value or CAM id value. Examiner takes official notice that watermark including these information is well known in the art. One of ordinary skill in the art would have been motivated to include the values in order to secure its content and making sure that intended receiver is only authorized to access the content. Adding this information adds another layer of security against hackers trying to defeat the system.

Response to Applicant's Arguments


5. Claims 1-31 are pending. The previous grounds of rejection based on the Vantalon patent is withdrawn in view of Applicant's arguments in the Amendment filed 3/18/2005. However, newly discovered prior art has necessitated new grounds of rejection. The new grounds of rejection are presented above. The delay in citation of the newly discovered prior art is regretted.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 571-272-3857. The examiner can normally be reached on Tue-Fri from 5:30 am – 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Hosuk Song
Primary Examiner
Art Unit 2135